

REMARKS

Applicant and the undersigned attorney express their thanks and appreciation to Examiners Nelson and McElwain for granting the personal interview that was conducted on January 26, 2005. The present submission reflects the agreements reached during the interview and the subsequent telephone conference on March 10, and thus is believed to place newly added claims 38-66 in condition for allowance.

Specifically, the specification is being amended by deleting the extant Sequence Listing and substituting the new Sequence Listing enclosed herewith. The new Sequence Listing contains SEQ ID NOS:20 and 21, directed to the DNA and the mature PAP II amino acid sequence encoded thereby. The Listing also shows the 25-amino acid signal sequence associated with immature wild-type PAP II shown in SEQ ID NOS:3 and 4 using negative numbering. Thus, SEQ ID NOS:3, 4, 20 and 21 show a Glutamate residue at position 172 and thus are consistent with the claim recitation "E172". Paper and electronic copies of the Sequence Listing are enclosed, as well as a Statement that the paper and electronic copies of the Listing are identical and that no new matter has been added. Page 5 of the specification has been amended accordingly.

Applicants are presenting claims 38-66. In claims 38-50, the recitation "transformed" is used in lieu of "recombinant". Independent claims 38 and 56 recite PAP II "mutants" rather than "analogs" simply for consistency with art-recognized nomenclature regarding pokeweed antiviral proteins. The independent claims characterize the PAP II mutants as differing from the wild-type sequences, *i.e.*, SEQ ID NOS:4 or 21, in terms of one amino acid substitution or a deletion of up to 48 C-terminal amino acids (*i.e.*, up to residue 237 as set forth in the Interview Summary). As further discussed with Examiner McElwain during a telephone conference on March 10, it

was agreed that Applicants' specification e.g., construct NT309, which is PAP II (1-253, L253A), disclosed on pages 27-30 of the specification, further contains support (enablement and written description) for mutants that differ from the two parent sequences in terms of both one amino acid substitution and a deletion of up to 48 C-terminal amino acids. Accordingly, the "mutants" are further characterized in this regard. Claims 48 and 65 are directed to these embodiments. Otherwise, the claims contain the recitations of claims 2-12, 14-24 and 32. Claims 42-47 and 60-65, which flow from claims 6-11 and 19-24 respectively, are added pursuant to proper election of species/rejoinder practice. Claims 52-55 contain the recitations of claims 14-17, but they are dependent on claim 51 (formerly claim 12). Applicants submit that these claims satisfy the requirements of 35 U.S.C. § 112, first and second paragraphs.

Accordingly, no new matter has been added. Applicants respectfully submit that claims 38-66 raise no new issues with respect to § 112, first or second paragraphs, and therefor are in condition for allowance. An early Notice to this effect is solicited.

The Examiner is strongly encouraged to contact the undersigned if she has any remaining questions.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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